

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SCOTT MUGLESTON and DEPARTMENT OF THE AIR FORCE,
McCLELLAN AIR FORCE BASE, Sacramento, CA

*Docket No. 00-1715; Submitted on the Record;
Issued March 28, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has more than a four percent monaural hearing loss in his left ear for which he received a schedule award.

On November 1, 1999 appellant, then a 43-year-old aircraft sheet metal mechanic, filed a notice of occupational disease claiming hearing loss caused by noise exposure in the course of his federal employment. He also filed a claim for a schedule award. Appellant submitted several audiograms administered during his employment.

The Office of Workers' Compensation Programs referred appellant, with a statement of accepted facts, available exposure information and copies of all medical reports and audiograms to Dr. David Kiener, a Board- certified otolaryngologist, for otologic evaluation and audiometric testing. On January 24, 2000 Dr. Kiener found "bilateral sensorineural hearing loss secondary to noise exposure." He also stated:

"Basing my conclusions of his history, physical examination, review of medical records, audiogram and the statement of accepted facts, I believe that [appellant] does have occupational disease consisting of a sesorineural hearing loss related to noise exposure he had while employed by the [employing establishment]."

Based on Dr. Kiener's report and examination, the Office accepted that appellant was exposed to hazardous noise levels in the course of his federal employment.

By memorandum dated February 8, 2000, the Office furnished the statement of accepted facts and evidence of record to its medical adviser for review. On March 3, 2000 the medical adviser certified a four percent monaural hearing loss in appellant's left ear.

By decision dated March 14, 2000, the Office denied appellant's claim for a schedule award of the right ear.

On March 23, 2000 the Office granted appellant a schedule award for a four percent loss of hearing in the left ear. The award ran for 2.08 weeks from January 18 to February 1, 2000. The Office also authorized a hearing aid for the left ear.

The Board finds that appellant has no more than a four percent hearing loss in his left ear and no ratable hearing loss in his right ear.

The Office evaluates industrial hearing loss in accordance with the standards contained in the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.¹ Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second (cps), the losses at each frequency are added up and averaged.² Then, a “fence” of 25 decibels is deducted because, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday speech under everyday conditions.³ The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss.⁴ The binaural loss is determined by calculating the loss in each ear using the formula for monaural loss; the lesser loss is multiplied by 5, then added to the greater loss and the total is divided by 6 to arrive at the amount of the binaural hearing loss.⁵ The Board has concurred in the Office’s adoption of this standard for evaluating hearing loss.⁶

The Office medical adviser applied the Office’s standard procedures to the January 20, 2000 audiogram reviewed by Dr. Kiener. Testing for the right ear revealed decibel losses of 5, 15, 30 and 25, respectively. These decibel losses were totaled at 75 and divided by 4 to obtain the average hearing loss at those cycles of 18.75. The average of 18.75 was then reduced by 25 decibels (the first 25 decibels were discounted as discussed above) to equal 0 decibels for the right ear. Testing for the left ear at frequency levels of 500, 1,000, 2,000 and 3,000 cps revealed decibel losses of 10, 15, 25 and 60, respectively. These decibel losses were totaled at 110 decibels and divided by 4 to obtain the average hearing loss at those cycles of 27.5 decibels. The average of 27.5 was then reduced by 25 decibels (the first 25 decibels are discounted, as discussed above) to equal 2.5 decibels, which was multiplied by the established factor 1.5 to compute a 4 percent loss of hearing for the left ear. Accordingly, pursuant to the Office’s standard procedures, the Office medical adviser determined that appellant had a nonratable loss of hearing in his right ear and a four percent monaural loss of hearing in his left ear.

The Board finds that the Office medical adviser applied the proper standards to the findings stated in Dr. Kiener’s January 24, 2000 report and the January 18, 2000 audiometric evaluation. This resulted in a four percent monaural hearing loss in the left ear. The right ear

¹ Richard Larry Enders, 48 ECAB 184 (1996).

² A.M.A., *Guides* at 224 (4th ed. 1993).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Donald A. Larson, 41 ECAB 947, 951 (1990).

was not ratable under these standards and, therefore, not compensable. None of the medical evidence of record documents a greater hearing loss.

On appeal appellant contends that several audiograms of record and the January 24, 2000 report by Dr. Kiener indicated that he suffers more than a four percent hearing loss in his left ear and a substantial hearing loss in his right ear, above the 25 decibel “normal” hearing level. The Board notes, however, that the decibel losses indicated by appellant are at 3,000 to 6,000 cps. The A.M.A., *Guides* evaluate decibel losses at frequencies of 500, 1,000, 2,000 and 3,000 cps, rather than high frequency loss.

The March 14 and 23, 2000 decisions of the Office of Workers’ Compensation Programs are hereby affirmed.

Dated, Washington, DC
March 28, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member